SECTION 8. Confidentiality

1. Pursuant to 22 MRSA §7250(1), prescription monitoring information is confidential and not a public record as defined in Title 1, section 402, subsection 3. Breaches of the confidentiality may result in criminal prosecution and/or administrative sanctions.

2. Pursuant to 22 MRSA §7250(3), the Office may provide de-identified copies of prescription monitoring information to researchers who have signed written agreements restricting the use of the data for research, policy, or educational purposes. The Office may make aggregate information based on prescription monitoring information available to the public.

3. The Office shall periodically conduct an audit review of the Monitor for compliance with the terms of the contract regarding confidentiality of information concerning the prescription drug, prescriber, pharmacy, patient and dispenser.

4. The Monitor shall fully cooperate with the Office in any audit review conducted pursuant to Subsection 3.

5. The Office and the Monitor shall purge from the database all prescription monitoring information that is older than six (6) years old.

SECTION 9. Review of information

1. Pursuant to 22 MRSA §7250, the Office and the Monitor shall review the information in the database on at least a quarterly basis to determine whether there are cases in which there has been questionable activity by patients or prescribers.

2. Patient review

A. The Office shall review prescription monitoring information related to individual patients to determine which patients have surpassed threshold levels of controlled substances. These threshold levels may include any of the following –

- high number of prescribers in a short time period, as determined by the Office;

- high number of doses during a short time period, as determined by the Office;

- Days Supply of prescriptions for the same drug overlapping by more than a few days;
- unhealthy combinations of controlled substances, as determined by the Office;
- more than one method of payment within a short time period;
- more than one out of state prescriber for the same patient, during a short time period, as determined by the Office;
- more than one pharmacy on the same day;
- more than one pharmacy in different public health districts within one month; AND/OR
- dangerous levels of specific drugs, as determined by the Office.

B. **Notification** – When a patient surpasses the threshold levels established by the Office, the office shall notify the prescriber(s) and the dispenser(s) of the controlled substance(s) and provide all relevant prescription monitoring information to those persons through an established letter of notification.

SECTION 10. Penalties and sanctions

1. **Criminal penalties**. A person who intentionally or knowingly uses or discloses prescription monitoring information in violation either of Title 22, M.R.S.A. Ch. 1603 or these rules, unless otherwise authorized by law, shall be subject to the criminal penalties established in 22 MRSA §7251(2).

2. **Administrative sanctions**. A dispenser who knowingly fails to submit prescription monitoring information to the Office as required by these rules and by statute is subject to discipline by the Maine Board of Pharmacy or other applicable licensing entity as set forth in 22 M.R.S.A. §7251(1).